



Eugene Hearings Official

Phone: 541-682-5377
www.eugene-or.gov/hearingsofficial

AGENDA

Meeting Location:
Atrium Building – Sloat Room
99 West 10th Avenue

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice. To arrange for these services, contact the Planning Division at (541)682-5481.

WEDNESDAY, March 13, 2013
(5:00 p.m.)

I. PUBLIC HEARING ON ZONE CHANGE REQUEST

Bruce Wiechert Custom Homes (Z 12-5)

Assessors Map: 17-04-03-34

Tax Lot: 500 & 10100

Location: 1270 Irvington

Request: Proposed change of zoning from AG/CAS Agricultural with Commercial Airport Safety overlay to R-1/CAS Low Density Residential with Commercial Airport Safety Overlay

Applicant: Bruce Wiechert Custom Homes

Applicant's

Representative: Anthony Favreau, The Favreau Group

Lead City Staff: Steve Ochs, Associate Planner

Telephone: (541) 682-5453

E-mail: steve.p.ochs@ci.eugene.or.us

Public Hearing Format:

1. Staff introduction/presentation
2. Public testimony from applicant and others in support of application.
3. Comments or questions from interested persons who neither are proponents nor opponents of the proposal.
4. Public testimony from those in opposition to application.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at www.eugene-or.us/hearingsofficial.



ZONE CHANGE STAFF REPORT

Application File Name (Number):

Bruce Wiechert Homes (Z 12-5)

Applicant's Request:

Zone change from AG/CAS Agricultural with Commercial Airport Safety overlay zone to R-1/CAS Low-Density Residential with Commercial Airport Safety overlay zone.

Subject Property/Location:

Tax Lots 500 and 10100 of Lane County Assessor's Map 17-04-03-34; Located on the south side of Irvington Drive between Northwest Expressway and Korbel Street.

Relevant Dates:

Zone Change application submitted on November 20, 2012; application deemed complete on February 6, 2013; public hearing date scheduled for March 13, 2013.

Applicant's Representative:

Anthony Favreau, The Favreau Group (541)683-7048

Lead City Staff:

Steve Ochs, Associate Planner, Eugene Planning Division, Phone: (541) 682-5453.

Purpose of Staff Report:

The Eugene Code (EC) requires City staff to prepare a written report concerning any zone change request. In accordance with the Type III land use application procedures (EC 9.7320), the staff report is printed and available seven days prior to the public hearing on the request, to allow citizens an opportunity to learn more about the request and to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Hearings Official will also consider additional public testimony and other materials presented at the public hearing before making a decision on the applications.

The Hearings Official's written decision on the application is generally made within 15 days after close of the public record, following the public hearing (EC 9.7330). For reference, the quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Site Characteristics and Present Request:

The present request is for zone change from AG Agricultural to R-1 Low-Density Residential, for the 3.58 acre subject property comprised of Tax Lots 500 and 10100 on Lane County Assessor's Map 17-04-03-34. The subject parcels, which were recently annexed (see City File A 12-3) are currently vacant. Abutting properties to the south and east are zoned R-1/CAS and are developed with single family dwellings. To the west, the properties abut an AG Agricultural zoned unincorporated area developed with a single family dwelling and a church. Properties to the north, across Irvington Drive, are outside of the urban growth boundary.

Application Referrals and Public Hearing Notice:

The application was initially deemed complete on February 6, 2013, Staff provided information concerning the application to other appropriate City departments, public agencies, and the affected neighborhood group (Santa Clara Community Organization) on February 7, 2013. A Notice of Proposed Amendment was also mailed on February 8, 2013, to the Oregon Department of Land Conservation and Development (DLCD). Any relevant referral comments are incorporated into the following evaluation of compliance with the applicable criteria. The public hearing is scheduled for March 13, 2013.

Public notice of the application and hearing was mailed on February 11, 2013. No written public testimony has been received as of the date of this staff report. Any written testimony received after preparation of this report but prior to the public hearing will be forwarded to the Hearings Official for consideration in making a decision. Public testimony, written or otherwise, may also be presented at the public hearing and submitted into the record for this matter.

Staff Evaluation:

In accordance with EC 9.7330, the Hearings Official is required to approve, approve with conditions, or deny this application for a zone change. The decision must be based on, and be accompanied by, findings that explain the criteria and standards considered relevant to the decision. It must also state the facts relied upon in rendering the decision, and explain the justification for the decision based upon the criteria, standards, and facts set forth.

To assist the Hearings Official in rendering a decision on the application, staff presents the following approval criteria (shown below in bold typeface), with findings related to each, based on the evidence available as of the date of this staff report. Staff has also provides a recommendation to the Hearings Official following the staff evaluation, below.

EC 9.8865(1):

The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The Metro Plan land use diagram designates the subject property for Low-Density Residential use. A change in zone from AG Agricultural to R-1 Low-Density Residential is consistent with this designation. The proposal is consistent with Policy A.2 which notes that residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies. The Metro Plan

generally supports the rezoning of land in order to be consistent with the plan designation, and the Eugene Code implements the Metro Plan by providing residential zoning for these uses.

There are no other policies directly applicable to this application as approval criteria. The proposal is consistent with other Metro Plan policies to the extent they are relevant to this application. This criterion has been met.

EC 9.8865(2):

The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The River Road-Santa Clara Urban Facilities Plan (RRSC) is the adopted refinement plan applicable to this request. The property is just west of the Northwest Expressway subarea. The RRSC land use diagram designates the subject property and surrounding area east of Northwest Expressway for Low-Density Residential use and an area to the east of the subject property for Commercial.

The following Policies of the RRSC also appear to apply to this request:

General Policy 2.0: Adopt zoning that is consistent with the land use diagram and policies contained in the land use element of the Urban Facilities Plan.

Residential Land Use Policy 1.0: Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.

The proposed R-1 Low Density Residential zoning is consistent with the Low-Density designation on the diagram and will maintain the low-density character of the area.

Residential Land Policy 2.0: Evaluate traffic and compatibility impacts when considering new residential development on parcels fronting arterial streets

Both parcels front on Irvington Road which is a minor arterial under Lane County jurisdiction. Evaluation of traffic and compatibility impacts will be addressed at the time of development of the parcels. The Eugene Code includes requirements for Traffic Impact Analysis and includes public improvement standards, street connectivity standards and requires compliance with Access Management requirements at the time of further development. This will ensure traffic and compatibility impacts are addressed along Irvington Road. Nothing further is required at this time.

Given the above findings, the proposal is consistent with the refinement plan as required.

EC 9.8865(3):

The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3). As confirmed by referral comments from Public Works staff and determined at the time of the annexation (see City file A 12-3), the minimum level of key urban facilities and services are currently available.

An 8-inch public wastewater line is available within the public streets adjacent to this site, with an 8-inch stub to the subject property from Irvington Drive, per as-construct records. There is an 18-inch public stormwater line within the Zinfandel Lane, just south of the property that may be able to be extended to the site via Butterfly Creek Lane. As-construct records show that a stub to the property was not constructed, though on-site infiltration may also be an option, provided the infiltration facility is sized to store and infiltrate the Flood Control Design Storm and on-site tests demonstrate the viability of infiltration. As an informational item, future development of the property will require the applicant to submit a feasible stormwater proposal and demonstrate that all applicable stormwater management standards have been met, establishing capacity of the receiving system, pre-treating impervious areas prior to discharge, and possibly oil and source controls, depending on proposed development.

For transportation purposes, both properties have frontage on Irvington Drive which is under Lane County Jurisdiction and functions as a minor arterial street. Street standards must be addressed with future development which may require right of way dedication, special setbacks and street improvements.

Given the above findings, all key urban services are currently available, or can be extended in an orderly manner to the subject property, as required.

EC 9.8865(4):

The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(a) EC 9.2735 Residential Zone Siting Requirements

These siting requirements apply only to the R-1.5 zone. As this request is for R-1, this criterion does not apply.

EC 9.8865(5):

In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The criterion is also inapplicable, as the proposed zone change does not include the NR zone.

Transportation Planning Rule

The Transportation Planning Rule (TPR), OAR 660-012-0060, applies to zone change applications. This zone change does not implicate the functional classification of an existing or planned transportation facility or the standards implementing a functional classification system. As a result, for this application, the TPR requires additional analysis if the proposed zone change would significantly affect an existing or planned transportation facility, as defined in OAR 660-012-0060(1). However, OAR 660-012-0060(9) provides an exception to this analysis if the proposal meets the three elements of the subsection. OAR 660-012-0060(9) provides:

“Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.”

As discussed above, the subject property is designated as low density residential on the City’s adopted comprehensive plan map. The proposed R-1 zoning is consistent with that designation. The amendment does not change the plan map. The proposed rezone therefore meets the first element of the subsection 9 exception.

The City of Eugene’s adopted and acknowledged Transportation System Plan (TSP) is the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan). The Eugene City Council adopted the current version of the plan on September 10, 2001, by Ordinance No. 20234. In 2001, the criteria for adopting TransPlan (classified as a “major update” to the 1986 version), was as follows: “(a) Consistency with the relevant statewide planning goals adopted by the Land Conservation and Development Commission; and (b) Consistency with the Eugene-Springfield Metropolitan Area General Plan (Metro Plan).”

An identified purpose of the TPR is to “provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans.” OAR 660-012-0000(f). To that end OAR 660-012-0030(2) and (3) require that local governments adopt TSPs that include a determination of transportation needs; the determination of transportation needs must be based on population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan. It is this transportation need that TSPs must accommodate through existing and planned transportation facilities. As such, to determine the Eugene-Springfield area’s transportation needs, TransPlan (adopted in 2001) was based on the same forecasts and distributions (e.g., Metro Plan designations) that were relied upon for the Metro Plan

periodic review; the transportation needs that arise from the Metro Plan's 20-year plan for distribution of growth is the basis upon which TransPlan developed its transportation projects. This means that, as required by state law, TransPlan was based on the Metro Plan's land use designations and that TransPlan's planned transportation facilities were developed based on the Metro Plan's land use designations.

Additionally, pursuant to OAR 660-012-0030(3), within UGBs, the determination of local and regional transportation needs must be based on population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan. The City's 2001 finding that TransPlan is consistent with OAR 660-012-0030(3) specifically states that TransPlan relied on the same forecasts and distributions that were relied upon for the Metro Plan periodic review.

Both before and since the City Council adopted the 2001 TransPlan, the subject property was designated on the City's adopted comprehensive plan map as low density residential. Because the 2001 Metro Plan designates the subject property as low density residential, the forecasts and distributions relied upon for TransPlan were based on that same low density residential designation. Since TransPlan was found to be consistent with OAR 660-012-0030(3), and acknowledged as such, the determination of transportation needs embodied in, and addressed by, TransPlan, is consistent with the subject property's low density residential designation.

Last, as to the third element of the subsection 9 exception, the subject property was not exempted from the TPR at the time of an urban growth boundary amendment. The third element is satisfied.

Staff Recommendation:

Based upon the available evidence and preceding findings, staff recommends that the Hearings Official grant approval to the applicant's request for a zone change from AG/CAS Agricultural with Commercial Airport Safety overlay zone to R-1/CAS Low-Density Residential with Commercial Airport Safety overlay zone.

Attachments:

The entire application file is available for review at the Eugene Planning Division. The Hearings Official will be provided a copy of the entire record which will also be made available for review at the public hearing. The following item is also attached for reference:

A. Vicinity Map

For More Information:

Please contact Steve Ochs, Associate Planner, Eugene Planning Division, at (541) 682-5453, or by e-mail, at steve.p.ochs@ci.eugene.or.us

Bruce Wiechert Custom Homes (Z 12-5)
17-04-03-34/00500, 10100



Change in zoning from AG/CAS Agricultural with Commercial Airport Safety Zone
to R-1/CAS Low Density Residential with Commercial Airport Safety Zone



Existing Zoning

- AG Agricultural
- I-2 Light-Medium Industrial
- C-2 Community Commercial
- R-1 Low Density Residential
- Eugene UGB



Subject Site

